

ORDINANCE NO. 60-09

BY: **SEAN BRENNAN**

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO APPROVE, ADOPT AND ENACT NEW MATTER IN THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND TO DECLARE AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (June 30, 2008) have been included in the Codified Ordinances of the City; and

WHEREAS, in the course of preparing the 2008-B Replacement Pages, it became necessary to make substantive changes in the Codified Ordinances to conform to State law changes that post-dated the adoption by this Council of ordinances amending the Traffic and General Offenses Codes to conform to current State law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
202-08	9-8-08	642.08
230-08	8-4-08	185.05
238-08	10-6-08	1501.99, 1507.17, 1507.99, 1509.99, 1511.99, 1512.99, 1513.99, 1514.99, 1515.99, 1517.99, 1519.99, 1520.99, 1521.99, 1523.99, 1525.99, 1526.99, 1527.99, 1529.23, 1529.38, 1529.99, 1530.99, 1531.99, 1533.99, 1535.99, 1539.99, 1541.99, 1543.99, 1544.99, 1545.99, 1547.99, 1549.99, 1551.99, 1553.99, 1555.99, 1557.99, 1561.99, 1565.99, 1569.99, 1571.99, 1573.99, 1575.99, 1703.06, 1705.99, 1707.01 to 1707.285, 1707.30 to 1707.50, 1707.99, 1709.99, 1713.99, 1715.99, 1717.99, 1721.99
240-08	9-22-08	173.15
262-08	10-6-08	749.01 to 749.24, 749.99
304-08	10-6-08	185.05
317-08	12-1-08	313.035
323-08	12-1-08	185.05

Section 2. That the following sections and subsections in the Codified Ordinances are or contain new matter in the Codified Ordinances and such sections and subsections are hereby approved, adopted and enacted under authority of Ohio R.C. 731.23:

301.19	Definition of “motorcycle.”
313.13	Traffic law photo-monitoring devices.
333.01	Driving or physical control of vehicle while under the influence of alcohol or drugs.
335.05	Owner or operator allowing another to drive.
337.28	Use of child restraints.
339.10	Vehicles with spikes, lugs and chains.
606.06	Limitation on criminal prosecutions.
606.10	Falsification.
606.34	Self defense: limitations on duty to retreat prior to using force.
612.05	Permit required.
612.07	Open container prohibited.
620.01	Definitions relating to drugs.
620.02	Trafficking in controlled substances; gift of marihuana.
620.03	Drug abuse.
666.04	Public indecency.
666.06	Polygraph examinations for victims: restrictions on use.
666.20	Sexually oriented businesses; illegal operation and activity.
672.02	Carrying concealed weapons.
672.04	Improperly handling firearms in a motor vehicle.
672.18	Possession of an object indistinguishable from a firearm in a school safety zone.
672.20	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
698.02	Penalties for misdemeanor.

Section 3. That all ordinances and resolutions of the Council enacted prior to December 31, 2008, that are in conflict or inconsistent with the new matter approved, adopted and enacted in Section 2 of this ordinance, are hereby repealed as of the effective date of this ordinance, except as follows:

The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

Section 4. That pursuant to Ohio R.C. 731.23 and Section 123.01 of the Codified Ordinances, the Clerk of Council shall publish a notice of the enactment of this ordinance, containing the title of this ordinance, and a summary of the new matter approved, adopted and enacted in Section 2 of this ordinance, in the six official posting places designated in Section 123.01 of the Codified Ordinances.

Section 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Parma, and for the further reason that it is necessary to have an up-to-date Code of Ordinances, one which is consistent with current State law, where and as required by the Ohio Constitution, to administer the affairs of the City and to ensure law and order, and this ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:_____

PRESIDENT OF COUNCIL

ATTEST:_____
CLERK OF COUNCIL

APPROVED:_____

FILED WITH
THE MAYOR:_____

MAYOR, CITY OF PARMA, OHIO